

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY D.C.

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TOMMIE HAMPTON,

Plaintiff,

v.

CITY OF MEMPHIS, TENNESSEE,
et al.,

Defendants.

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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

No. 04-2537 M1/An

ORDER GRANTING MOTIONS TO STAY AND
ORDER GRANTING MOTION FOR CONTINUANCE

Before the Court is the Motion of Defendant Officers McNair, Teeters, Holland and Boyce for Stay of Case, or in the Alternative to Stay a Ruling on Defendants Motion for Summary Judgment, filed November 10, 2005, and the Motion to Stay of Defendant City of Memphis, filed November 17, 2005. Plaintiff responded in opposition to the motions on November 23, 2005. Also before the Court is Plaintiff's Motion for Continuance, filed November 10, 2005.

"[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes in its docket with economy of time and effort for itself, for counsel and for litigants" Ohio Envtl. Council v. U.S. Dist. Court, Southern Dist. of Ohio, Eastern Div., 565 F.2d 393, 396 (6th Cir. 1977) (quoting Landis v. North American Co., 299 U.S. 248, 254-55

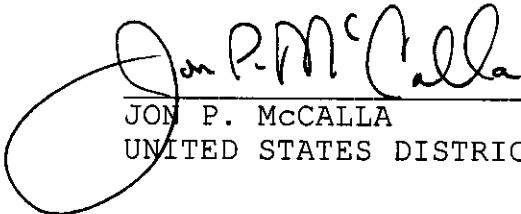
(1936)). "A district court has discretion to determine whether a stay is necessary to avoid piecemeal, duplicative litigation and potentially conflicting results." Int'l Bhd. of Elec. Workers v. AT&T Network Sys., 879 F.2d 864, 1989 WL 78212 at *8 (6th Cir. July 17, 1989) (citing Colorado River Water Cons. Dist. v. United States, 424 U.S. 800, 817-20 (1976)). "In exercising this discretion, district courts are to be accorded wide latitude." Id. (citing Kerotest Mfg. Co. v. C-O-2 Fire Equip. Co., 342 U.S. 180, 183-84 (1952); Ohio Envt'l Council, 565 F.2d at 396). However, "a court must tread carefully in granting a stay of proceedings, since a party has a right to a determination of its rights and liabilities without undue delay." Ohio Envtl. Council, 565 F.2d at 396.

Two issues in this case are whether the City can be held liable for a police pursuit under 42 U.S.C. § 1983 and the Fourteenth Amendment to the United States Constitution and whether police officers are entitled to qualified immunity for injuries to bystanders arising out of a police pursuit. These two issues were raised in the case of Meals v. City of Memphis, et al., U.S.D.C. No. 03-2077, and are currently on appeal to the Sixth Circuit Court of Appeals. The Court finds that "granting the stay will further the interest in economical use of judicial time and resources." Int'l Bhd. of Elec. Workers, 1989 WL 78212 at *8. Accordingly, the Court GRANTS Defendants' motions. This case is hereby STAYED pending the decision by the Sixth Circuit of those issues in Meals. Defendants shall immediately notify this Court when the Sixth

Circuit decides these issues.

Plaintiff's motion to continue the trial in this case is GRANTED. Trial will be reset after the resolution of the above issues in the Sixth Circuit.

SO ORDERED this 29 day of November, 2005.



JON P. McCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 68 in case 2:04-CV-02537 was distributed by fax, mail, or direct printing on November 30, 2005 to the parties listed.

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Honorable Jon McCalla
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